

Chairperson John R. Clark  
Vice-Chairperson Michael Parks  
Parliamentarian Don Maxwell



Commissioners  
Michael Beckendorf  
John Bond  
Helen Chavarria  
Ralph Davila  
Robert Horton  
G.H. Jones

## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
WORKSHOP MEETING  
THURSDAY, APRIL 2, 2009  
AT 5:00 P.M.  
ROOM 305, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

### **1. CALL TO ORDER.**

Chairperson Clark called the workshop meeting to order at 5:04 p.m.

Commission members present: Mr. Michael Beckendorf, Mr. Johnny Bond, Ms. Helen Chavarria, Mr. John Clark, Mr. Ralph Davila, Mr. Robert Horton, Mr. G.H. Jones, and Mr. Don Maxwell.

Commission members absent: Mr. Michael Parks.

Staff members present: Mr. Martin Zimmermann, Planning Administrator; Ms. Julie Fulgham, Project Planner; Mr. Randy Haynes, Staff Planner; Mr. Danny Sikorski, Chief Building Official; Mr. Dale Picha, Director of Traffic and Transportation; Mr. Paul Kaspar, City Engineer; Mr. Lee Veness, Assistant City Attorney; Ms. Angela DeLuca, Assistant City Attorney; and Ms. Kelli Hill, Planning Intern.

### **2. DISCUSSION AND POSSIBLE DIRECTION TO STAFF ON PROPOSED TEXT AMENDMENTS TO THE BRYAN CODE OF ORDINANCES RELATING TO HISTORIC PRESERVATION AND THE HISTORIC LANDMARK COMMISSION.**

*Commissioner Beckendorf arrived at 5:05 p.m.*

Ms. Fulgham introduced Mr. Pete Bienski, Vice-Chairperson of the Historic Landmark Commission, and gave a presentation on the revisions to the Zoning Ordinance as it relates to historic preservation. She also introduced Ms. DeLuca, attorney to the Historic Landmark Commission, stating that Ms. DeLuca has reviewed all of the changes and has approved of them.

Mr. Bienski stated that the changes simplify the ordinance and make it easier to understand.

Commissioner Maxwell stated that these changes were long overdue.

**3. DISCUSSION AND POSSIBLE DIRECTION TO STAFF ON PROPOSED TEXT AMENDMENTS TO THE LAND AND SITE DEVELOPMENT AND SUBDIVISION ORDINANCES CONCERNING THE ESTABLISHMENT OF A SIDEWALK FUND IN LIEU OF ACTUAL SIDEWALK CONSTRUCTION IN CONJUNCTION WITH A DEVELOPMENT PROJECT.**

Mr. Haynes stated that at the last workshop the Commissioners were concerned about the final decision about permitting a developer to pay into a sidewalk fund if they choose to. He stated that a short phrase was added giving authority of that decision to the City Engineer.

Commissioner Davila expressed concerns about whether a citizen would still be able to request a variance from the Commission with approval of the proposed changes. Mr. Haynes reassured him that citizens would still have that right, but that the criteria under which a variance must be approved would not change.

Mr. Haynes stated that the Commission has requested numerous times the ability of the option to capture the cost of sidewalk construction.

Commissioner Maxwell stated that the opportunity to capture the funds for sidewalk construction without burdening the applicant with actual construction is beneficial.

Responding to a question from Commissioner Bond, Mr. Haynes stated that granting a variance on the sole basis of financial constrictions is not allowed by the ordinance. Mr. Haynes also stated that the Commission may not differentiate between a successful developer and a low income citizen. He reiterated that the Commission has always asked about acquiring sidewalk construction with replats.

Commissioner Beckendorf asked about the cost of paying into the fund and paying for construction. Mr. Haynes stated that cost differentiation had been taken into account and has been addressed.

Commissioner Jones inquired about the amount of money applicants must deposit into the sidewalk fund. Mr. Haynes stated that it will be based on the cost of construction and materials at the time of the replat.

Commissioner Davila reiterated that he wants to protect the citizens' right to come before commission and ask for variance. Mr. Haynes stated that the right is still there, but that this should reduce the number of variance requests.

Chairperson Clark stated that he agrees with the work that has been done.

Mr. Zimmermann asked if the Commission would be comfortable with staff bringing this issue back for action at the next meeting. The Commission responded in agreement and said they would.

Commissioner Maxwell added that he would like to see the time period for the use of funds deposited lowered.

**4. DISCUSSION AND POSSIBLE DIRECTION TO STAFF ON PROPOSED TEXT**

**AMENDMENTS TO THE LAND AND SITE DEVELOPMENT AND SUBDIVISION ORDINANCES REMOVING PROVISIONS THAT DO NOT REQUIRE SIDEWALKS ALONG EXISTING STREETS WITHOUT CURB AND GUTTERS AND LOTS ADJACENT TO SOUTH COLLEGE AVENUE.**

Mr. Haynes stated that staff is listening to the Commission's concerns about these amendments. He stated that the current ordinance states that streets that do not have curb and gutter installed are not required to have sidewalk construction in the replat. He stated that this amendment removes that stipulation. He stated that staff is also removing language stating that property on S. College Avenue do not require sidewalk construction.

Responding to a question from Commissioner Davila, Mr. Haynes stated that this language would put every person replatting property in the city in the same situation. Mr. Haynes also stated that the Commission expressed concern in past meetings about why those properties without curb and gutter were exempt from building a sidewalk.

Responding to a question from Commissioner Davila, Mr. Haynes stated that, in the situation where a wide bar ditch exists, the City Engineer would determine whether an applicant could pay into the fund rather than build a sidewalk.

Mr. Kaspar stated that the intent is to differentiate between properties with wide bar ditches and those that include flat land within the right-of-way where a sidewalk could be constructed. He stated that the cost of the payment for the fund would not include the correction of a large bar ditch.

Chairperson Clark stated that this option is needed as long as it includes the option for a variance request.

Commissioner Davila stated that he was comfortable with the creation of the fund, but that he would like to think about the amendment pertaining to lots without curb and gutter.

Commissioner Maxwell asked if it was possible to exempt residential properties from this amendment and make it solely for commercial replats. Mr. Haynes stated that that would pertain to a different part of the ordinance, but that staff will work on whatever the Commission would like. He stated that this issue was brought forward because of requests from the Commission.

**5. DISCUSSION AND POSSIBLE DIRECTION TO STAFF CONCERNING THE GRANTING OF VARIANCES.**

Commissioner Bond proposed that a subcommittee be formed to study the issue of variances and to create recommendations or suggestions of ways to simplify the process of granting variances. Responding to a question from Commissioner Maxwell, Commissioner Bond stated that he was referring to setback variances.

Commissioner Beckendorf stated that it was a good idea.

Chairperson Clark commented on the inconsistency of the Commission in granting and denying variances, but stated that the fact is that people break the law when they do not follow the ordinance.

Commissioner Davila agreed, but stated that the Commission should take the opportunity to look at

the ordinance and take the time to propose any necessary changes.

Chairperson Clark agreed, but stated that he is against making it easier for people to construct carports within their setbacks.

Commissioner Bond stated that he is only suggesting trying to solve what has already been done.

Mr. Zimmermann stated that, due to the amount of things going on at the present time, it would be unrealistic to resolve this issue within the next few weeks, but that staff is available to assist and facilitate the process.

Chairperson Clark suggested that this issue be brought up at the next workshop meeting.

Commissioner Bond asked if this would qualify as a subcommittee, and therefore not need formal action by the Commission. Mr. Veness stated that, unless there are only two Commissioners on the committee, it would need to be listed on the agenda.

## **6. REVIEW OF AGENDA ITEMS FOR REGULAR MEETING OF APRIL 2, 2009.**

Agenda items were reviewed. No action was taken.

## **7. FUTURE AGENDA ITEMS.**

Commissioner Bond reiterated his request under item #5.

## **8. STAFF ANNOUNCEMENTS.**

### **A. Update on City Council's action of March 10, 2009, concerning Planning Variance case no. PV 09-02 (3739 Ravenwood Drive).**

Mr. Zimmermann informed the Commission that the City Council voted to uphold the Commission's denial of the variance request. He stated that it was not a unanimous vote, that the issue has been moved to Code Enforcement, and that the applicant has thirty days from March 18<sup>th</sup> to remove the carport.

Commissioner Davila brought up the concern that staff did not present the Council with the fact that the first variance request (on another property) received in that neighborhood was granted by the Commission.

### **B. Update on City Council's action of March 24, 2009 concerning annexation.**

Mr. Zimmermann stated that the Council directed staff to proceed with annexation. He stated that the Council chose to amend the map depicting the areas considered for annexation, and stated that the southeast area was removed but a southeast corridor was added. He stated that staff is currently working on a schedule for annexation proceedings, and that they plan to let all affected property owners know of the annexation procedures within the next four weeks. He added that an annexation workshop for the Commission is proposed for May 14<sup>th</sup>, and he asked the Commission to RSVP about that event when they receive his email.

Chairperson Clark advised the Commission to familiarize themselves with the proposed areas before the workshop meeting.

Mr. Zimmermann stated that more detailed maps and pertinent information are available on the City website.

Chairperson Clark inquired about the newly added southeast corridor, and Mr. Zimmermann stated that one of the criteria for annexation is that the action not split up existing neighborhoods.

**C. Planning and Zoning Commission meeting on April 16, 2009.**

Mr. Zimmermann reminded the Commission that the next regular meeting will take place on April 16<sup>th</sup>.

**9. ADJOURN.**

Without objection, Chairperson Clark adjourned the meeting at 6:00 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the 16<sup>th</sup> day of **April, 2009**.

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John R. Clark, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Martin Zimmermann, Planning Administrator  
and Secretary to the Planning and Zoning  
Commission